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8 Presented on behalf of Plaintiff

9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **CENTRAL DISTRICT OF CALIFORNIA**  
 12 **WESTERN DIVISION**

13 **G. ASHLEY,**

14 Plaintiff,

15 v.

16 **MICHEL REY MOORE, ERIC**  
 17 **MICHAEL GARCETTI, GILBERT**  
 18 **CEDILLO, PAUL KREKORIAN,**  
 19 **ROBERT BLUMENFIELD, NITHYA**  
 20 **RAMAN, PAUL KORETZ, NURY**  
 21 **MARTINEZ, MONICA RODRIGUEZ,**  
 22 **MARQUEECE-HARRIS, MARK**  
 23 **RIDLEY-THOMAS, MICHAEL**  
 24 **JOSEPH BONIN, JOHN LEE, MITCH**  
 25 **O'FARRELL, KEVIN DE LEON,**  
 26 **JOSEPH BUSCAINO, WILLIAM J.**  
 27 **BRIGGS II, EILEEN DECKER, DALE**  
 28 **BONNER, MARIA LOU CALANCHE,**  
 29 **STEVE SOBOROFF, LAPD**  
 30 **OFFICERS J. PETERS 37708, E.**  
 31 **MURO 36863, CLARK 39587, N.**  
 32 **CHACON, B. McPHEETERS 30483,**  
 33 **and 10 UNKNOWN NAMED**  
 34 **DEFENDANTS, 1-10,**  
 35 Defendants.

36 **COMPLAINT**

37 (Police Brutality and Thuggery, for  
 38 Damages for Civil Rights Violations,  
 39 42 U.S.C. § 1983, and for RICO  
 40 Violations)

41 **JURY DEMAND**

42 **CLASS ACTION ALLEGATIONS**

1  
2 Plaintiff makes the following allegations, in support of the this complaint:

3 **JURISDICTION AND VENUE**

4 1. Plaintiff, **G. ASHLEY**, is a Black person who asserts federal claims,  
5 under 42 U.S.C. § 1983 and 42 U.S.C. § 1985(3) (civil rights), and 18 U.S.C.  
6 § 1961-64 (RICO) against defendants, subject matter jurisdiction lies pursuant to  
7 28 U.S.C. § 1331 of the federal claims, and defendants' conduct affects and  
8 interferes with interstate commerce.

9 2. The matters that are the bases for this action occurred in Los Angeles  
10 County, California, and in the City of Los Angeles, and therefore venue lies in the  
11 United States District Court for the Central District of California, and in its  
12 Western Division, pursuant to 28 U.S.C. § 1331.

13 **THE PARTIES**

14 3. Plaintiff is a person who has been subject to Los Angeles Police  
15 Department ("LAPD") police brutality and thuggery, and defendants are  
16 **MICHEL REY MOORE**, LAPD chief; **WILLIAM J. BRIGGS II**, **EILEEN**  
17 **DECKER**, **DALE BONNER**, **MARIA LOU CALANCHE**, and **STEVE**  
18 **SOBOROFF**, who all are LAPD commissioners, **ERIC MICHAEL**  
19 **GARCETTI**, who is City of Los Angeles mayor; **GILBERT CEDILLO**, **PAUL**  
20 **KREKORIAN**, **ROBERT BLUMENFIELD**, **NITHYA RAMAN**, **PAUL**  
21 **KORETZ**, **NURY MARTINEZ**, **MONICA RODRIGUEZ**, **MARQUEECE**  
22 **HARRIS**, **MARK RIDLEY-THOMAS**, **MICHAEL JOSEPH BONIN**, **JOHN**  
23 **LEE**, **MITCH O'FARRELL**, **KEVIN DE LEON**, **JOSEPH BUSCAINO**, all of  
24 whom are City of Los Angeles City Council members; and **LAPD OFFICERS J.**  
25 **PETERS 37708**, **E. MURO 36863**, **CLARK 39587**, **N. CHACON, B.**  
26 **McPHEETERS 30483**, and **20 UNKNOWN NAMED DEFENDANTS**, who are  
27 LAPD officers, participated in the wrongful acts alleged hereinbelow, and whose  
28

1 conduct is culpable, and whose unknown names will be replaced by their true  
2 identities when those true identities are learned, or are persons and/or entities  
3 whose true names presently are unknown, and who may have engaged in some  
4 conduct that is culpable with respect to plaintiff, as set forth hereinbelow. All  
5 defendants acted under color of law, and all engaged in the same wrongful  
6 conduct, by participating in, facilitating, and making the decisions that resulted in  
7 the wrongs hereinbelow alleged.

8 4. Defendants, each and all are sued in both their individual and official  
9 capacities, when they have an official capacity, but only in their official capacities,  
10 for the claims made under *Monell v. Dep't of Soc. Svcs. of the City of New York*,  
11 436 U.S. 657 (1978), with respect to which defendants are sued in their official  
12 capacities only, and in their individual capacities only for the RICO violations  
13 hereinbelow alleged.

14 5. Plaintiff is a person who has been brutalized and thugged and subject to  
15 both constitutional violations and RICO violations by defendants.

16 6. Defendants and each of them play and played some material role in the  
17 acts and/or omissions alleged hereinbelow and in the setting of policies of the  
18 LAPD, and their unconstitutional policies, practices, procedures, and customs  
19 were the moving forces behind the constitutional violations inflicted on plaintiff.

#### 21 **ALLEGATIONS COMMON TO EACH COUNT**

22 7. Each and every allegation set forth in each and every averment herein  
23 is incorporated by this reference in each and every other averment and allegation  
24 of this pleading.

25 8. All acts and/or omissions perpetrated and/or engaged in by each  
26 defendant, in their individual capacities, were done maliciously, callously,  
27 oppressively, wantonly, recklessly, with deliberate indifference to the rights  
28 allegedly violated, despicably, with evil motive and/or intent, in disregard of the

1 rights of plaintiffs and class members, and in clear violation of the federal  
 2 Constitution and of the California Constitution, and of controlling federal law,  
 3 both statutory and common law, as set forth by both the United States Supreme  
 4 Court and the United States Court of Appeals for the Ninth Circuit.

5 9. On Sept. 9, 2019, without a warrant, reasonable suspicion, probable  
 6 cause, or plaintiff's consent, the LAPD officer defendants forced plaintiff to pull  
 7 over his vehicle, to exit it, and thereafter Tasered plaintiff, searched him,  
 8 physically beat him up, assaulted and battered him, and racially profiled plaintiff,  
 9 and initiated without probable cause to do so criminal charges against plaintiff that  
 10 were dismissed, which later were dismissed.

11 From Sept. 9, 2019 until at least Sept. 1, 2020, plaintiff continuously was  
 12 held in custody, as a result of his arrest by the LAPD defendants, on Sept. 9, 2019.

13 10. The non-LAPD defendants each and all are legally liable for all of this  
 14 conduct because, with deliberate indifference, they caused it, ratified it, condoned  
 15 it, or otherwise made it possible, by their actions and/or inactions, and caused  
 16 and/or create LAPD policies, practices, procedures, and/or customs, that caused  
 17 the LAPD officers' unconstitutional conduct, and because all of them failed in  
 18 their duty to train police in proper, allowable, constitutional policing and jail  
 19 procedures, and their failures amounted to deliberate indifference to the rights of  
 20 persons with whom the police come into contact.

21 **COUNT ONE**

22 (Against All Defendants, 42 U.S.C. § 1983)

23 11. Plaintiff realleges specifically the allegations set forth in averments 9 &  
 24 10, hereinabove, and, by virtue thereof, all defendants are liable to plaintiff,  
 25 pursuant to 42 U.S.C. 1983, for violation of plaintiff's Fourth Amendment rights,  
 26 not to be subjected to unreasonable searches, seizures, stops, arrests, and criminal  
 27 prosecution.

12. The non-officer city officials who are defendants are responsible for the Fourth Amendment violations committed by the police officer defendants because the mayor, members of the city council, and members of the board of police commissioners each and all set the policies and accepted the customs of the LAPD, among which were unconstitutional, brutalization of citizens, and plaintiff herein was subjected to such brutalization and thuggery.

13. The non-officer city officials who are defendants are responsible for the Fourth Amendment violations committed by the police officer defendants because the mayor, city council members, and the chief of police who set the policies and accepted the customs of the police department, among which were unconstitutional, pretextual stops of motorists, and plaintiff herein was subjected to a pretextual, vehicle stop, that has been ratified by these defendants.

## COUNT TWO

**(Against All Defendants for Conspiracy Under § 1983)**

14. Plaintiff realleges specifically hereat the allegations set forth at averments nine through 13, hereinabove, and by virtue thereof, all defendants also are liable to plaintiff for conspiracy to violate Fourth Amendment and Fourteenth Amendment rights, pursuant to § 1983, because they had an agreement and/or understanding that the wrongs perpetrated would be perpetrated, and then they were perpetrated, by the LAPD defendants beating the crap out of plaintiff.

15. More specifically, the mayor, city council members, and chiefs of police for many years, have been aware of and permit and condone police misconduct, so that LAPD officers free to violate the Constitution's Fourth and Fourteenth Amendments, and here did so, and these defendants failed to investigate and covered-up what occurred in this matter on Sept. 9, 2019, notwithstanding that they had police videotape of the incident, and thereby approved of it, condoned it, acquiesced in it, and ratified it, with a meeting of their minds that this kind of unconstitutional conduct would occur.

16. The non-police defendants are aware that LAPD officers use pretextual stops based on hunches, that it is unconstitutional for a stop to be based on a hunch, and have approved of hunch-stops, condoned them, and ratified them, as they did in this instance, and also racially profile, and use excessive force.

## COUNT THREE

(Against All Defendants, Under Sec. 1983, *Monell*)

17. "[When] the complaint plausibly alleges a policy, custom, or practice leading to that violation[, *s*ee *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009)], [and] Plaintiffs' allegations amount to . . . more than an 'isolated or sporadic incident[ ]' that . . . forms the basis of *Monell* liability for an improper custom. *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996)." *Saved Magazine v. Spokane Police Dep't*, 19 F.4th 1193, 1201 (9th Cir. 2001). Herein, all defendants are liable to all plaintiff because they had and have, and foster, policies, practices, procedures, and customs of Fourth and Fourteenth Amendment violations by members of LAPD, which policies, *etc.*, in violation of the these Amendments, were the moving forces that caused the violation of the plaintiff's rights, as alleged herein, and, also the supervisor defendants are liable because they have a custom of improperly indemnifying, and of conspiring to indemnify, LAPD officers for punitive damages assessed against those deputies by juries in civil rights cases, or settling those cases to avoid having to vote on whether or not to make such indemnifications, because that practice was a moving force that caused the violations of the plaintiff's rights as alleged herein.

18. Additionally, the supervisor defendants for many years have been aware of and permit and condone that they permit their police chiefs to not properly administer the LAPD, so that police feel free and licensed to violate the Constitution and here did so, and the supervisor defendants have failed to investigate what occurred in this matter on Sept. 9, 2019. and to take action against the chief for covering-up the incident, and thereby approved of it,

condoned it, approved of it, and ratified it, with a meeting of their minds that this would occur.

19. The supervisor defendants are aware that LAPD officers customarily violate persons' constitutional rights, often by the use of excessive force, that this is unconstitutional, and they have approved of such conduct and condoned it and ratified it, as they have done in this instance.

20. This is their policy and custom, to do so.

## COUNT FOUR

(Against All Defendants Under § 1985(3))

21. Each police officer defendant agreed and/or understood and conspired with at least one other police officer defendant to deprive a plaintiff of the equal protection of the laws, in violation of 42 U.S.C. 1985(3), based on a racially-motivated bias against a plaintiff; and the official capacity defendants could have, but did not, prevent the violations of Section 1985(3).

22. Therefore, any police officer defendant is liable to plaintiff under Section 1985(3), and any official capacity defendant who had the power and/or opportunity and/or duty to prevent, but who failed to prevent any violation of Section 1985(3), is liable to any plaintiff under 42 U.S.C.1986.

23. Any official capacity defendant is liable to any plaintiff for all wrongs alleged in this pleading pursuant to *Monell, supra*. This alleged conspiracy is separate from the simple, non-racially-based conspiracy alleged in Count Two, hereinabove.

## COUNT FIVE

(Against All Defendants Under § 1983)

24. Defendants engaged in conduct to cover-up the Sept. 9, 2019 incident, by concealing both their knowledge of it and the video tapes of it, and thereby interfered with plaintiff's federal constitutional right of access to the federal courts.

**COUNT SIX**  
(Violation of *Jus Cogens* International Law)

25. Defendants' actions, as set forth hereinabove, are in clear violation of and are prohibited by the *jus cogens*, peremptory norms of international law that, among other things, prohibit unlawful takings into custody by government.

26. Such *jus cogens*, peremptory norms are the law of the land in the United States of America, and plaintiff and class members are entitled to damages for the harm caused to them by defendants' violations of *jus cogens*, peremptory norms, and to declaratory and injunctive relief, because the Ninth Circuit, in *Siderman v. Republic of Argentina*, 965 F.2d 699 (9th Cir. 1992), has held these prohibitions to be *jus cogens* norms. That is, plaintiff and class members claim defendants are liable to plaintiff and class members for subjecting them unlawful detentions, in violation of *jus cogens* peremptory norms of international law, whose violation, in turn, is a violation of the law of the United States of America, under the Supremacy Clause of the United States Constitution.

## **COUNT SEVEN**

(Violation of *Jus Dispositivum* International Law)

27. Defendants' actions, as set forth hereinabove, are in clear violation of the *jus dispositivum* treaty obligations entered into by the United States of America, and which obligations, pursuant to Article VI, Clause 2 of the United States Constitution (the Supremacy Clause), are "the supreme law of the land . . . any thing in the Constitution or laws of any state to the contrary notwithstanding."

28. The specific treaties whose provisions prohibit unlawful detentions and cruel and unusual punishments, to which the United States of America is a signatory, and whose provisions were violated by defendants, are: Universal Declaration of Human Rights, G.A. Res. 217 (A) (III), U.N. Doc. A/810 at 71 (1948); the Declaration on the Protection of All Persons from Being Subjected to

1 Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A.  
2 Res. 3452 (1975); Convention Against Torture and Other Cruel, Inhuman or  
3 Degrading Treatment or Punishment, G.A. Res. 39/46, annex 39 U.N. GAOR  
4 Supp. (No. 51) at 197, U.N. Doc. A/39/51, art. 1 (1984); Body of Principles for the  
5 Protection of all Persons under Any Form of Detention or Imprisonment, G.A.  
6 Res. 43/173, 43 U.N. GAOR Supp. (No. 49), U.N. Doc. A/43/49, at 297, Principle  
7 5 (1988); the American Convention on Human Rights, O.A.S. Treaty Series No.  
8 36, at 1, OEA/Ser. L./V/II.23 doc. Rev. 2, Art. 5); International Covenant on Civil  
9 and Political Rights, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at  
10 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, Art. 7; and, the European  
11 Convention for the Protection of Human Rights and Fundamental Freedoms, 213  
12 U.N.T.S. 222, Art. 3, and by engaging in the conduct alleged, defendants violated  
13 those treaties and conventions, and thereby violated the laws of the United States  
14 of America, through the Supremacy Clause.

15        29. By virtue of the violations of the provisions of these treaties, plaintiff  
16 and class members are entitled to recover nominal damages and punitive damages  
17 from defendants, and to declaratory and injunctive relief.  
18

30.-124. Reserved.

## COUNT EIGHT

20 (Against All Defendants Under § 1983, For Violations of the Fourth and  
21 Fourteenth Amendments For Plaintiff's Malicious Prosecution)

22        125. Defendants maliciously initiated and caused plaintiff to be charged  
23 with crimes, with no probable cause to do so, the charges against plaintiff were  
24 dismissed, and plaintiff was harmed by the false prosecution, and therefore,  
25 defendants are liable to plaintiff for false and malicious prosecution.

26 126-141. Reserved.

27

**COUNT NINE**  
(Against All Defendants, RICO)

3        142. By doing the things alleged hereinabove, and/or aiding or abetting  
4 them, defendants thereby engaged in and committed the related RICO predicate  
5 acts, with similar purposes, results, participants, victims, and methods of  
6 commission, over a long and continuing period of time, going back at least 42  
7 years, with a threat of continued racketeering activity of obstruction of justice, and  
8 continue to commit obstruction of justice, all by using instrumentalities of  
9 interstate commerce to accomplish their crimes, and thereby are liable under the  
10 civil RICO statute.

## Rico Predicate Acts

12       143. On Sept. 9, 2019, defendant police caused plaintiff's car to be taken  
13 from him, and thus stole his personal property and attempted to extort him out of  
14 that property, and the car never was returned to plaintiff.

144. The LAPD officers' the theft of plaintiffs' property, was pursuant to  
145 LAPD custom and was condoned, approved of, and ratified by the non-LAPD  
146 officer defendants.

145. **Obstruction of Justice** The obstruction of justice occurred by  
19 defendants by inflicting constitutional violations on plaintiff and class members  
20 and by preventing plaintiff and class members from exercising their federal  
21 constitutional rights, all as set forth hereinabove.  
22

23        146. Each defendant, in his/her own right, and all defendants together,  
24 collectively, as well as their employees, who work in and for the City of Los  
25 Angeles, are all enterprises and associated-in-fact enterprises, within the meaning  
26 of 18 U.S.C. 1961(4), and therefore are RICO enterprises.

27 146a. All of the LAPD defendants are a separate enterprise, like a true  
28 mafia, extortion/protection-type, racket-enterprise.

1       147. Each and all of defendants' activities affect interstate commerce, as  
2 well as intrastate and interstate travel.

3       148. Each defendant received and receives income, directly and/or  
4 indirectly, by way of insurance premiums, salary, compensation, reimbursement  
5 for expenses, *per diem* costs reimbursements, meals, lodging, and/or travel,  
6 pensions, *etc.*, from the pattern of racketeering activity alleged herein, and used  
7 and uses that income in the acquisition of an interest in and/or operation of the  
8 enterprise, in violation of 18 U.S.C. 1962(a), and acquired and/or maintained  
9 control over said racketeering enterprise through a pattern of racketeering  
10 activities, as set forth herein, in violation of 18 U.S.C. 1962(b).

11       149. Defendants conducted and/or participated, and continue to conduct  
12 and participate in, said enterprises' affairs through a pattern of racketeering  
13 activities, in violation of 18 U.S.C. 1962(c).

14       150. The pattern of racketeering activities included, and continues to  
15 include, a continuous pattern and practice potentially involving activities,  
16 including the RICO predicates of fraud, extortion, fraudulent concealment, and  
17 obstruction of justice, and defendants' defense of the instant action is and will  
18 continue to be and will be a continuation and a part of its RICO schemes, so that  
19 those who may participate in the defense, such as defendant Kim, of this action  
20 may make themselves liable under RICO.

22       151. Defendants' associated-in-fact enterprises constitute a present and  
23 continuing threat of harm and additional RICO violations.

24       152. The enterprises' activities have occurred on more than one, and on  
25 many thousands of occasions, over at least the past 35 years and have been done  
26 on numerous occasions and constitute at least a thousand separate acts, as set forth  
27 hereinabove, not including the acts that will be included as part of the defense of  
28 the instant action.

1 153. At least five thousand RICO predicate acts have occurred.

2 154. The wrongful acts described in the matters enumerated hereinabove  
3 occurred over a significant period of time, and are related in that they evidence  
4 civil RICO predicates, including at least fraud, wire fraud, mail fraud, extortion,  
5 and obstruction of justice, and they pose a threat of continued criminal activity,  
6 have the same or similar purposes, results, participants and kinds and categories of  
7 participants, victims, methods of commission, and are otherwise interrelated by  
8 their common characteristics and participants, they are not isolated events, but are  
9 both continuous and systemic, and each and all constitute a continuing pattern of  
10 racketeering activity and constitute a long term threat of continuing racketeering  
11 activity.

12 155. The activities led to defendants' control of and acquisition over the  
13 enterprises and resulted in the injuries to plaintiff and class members, as alleged  
14 herein, which resulted from defendants' participation in and control of the  
15 enterprises.

16 156. By failing to prevent the wrongful conduct herein alleged, misconduct  
17 that amounted to racketeering activities, all managerial and non-managerial  
18 employees and/or officers and/or agents of defendants engaged in and condoned  
19 racketeering activities.

21 157. The willful and/or negligent mismanagement of the enterprises, with  
22 knowledge by defendants charged with management, and potentially other  
23 defendants, that they were and continue to be operated as a RICO enterprises,  
24 directly caused the harm to plaintiff and to class members, as alleged herein.

25 158. The enterprises are RICO enterprises because they have hierarchical  
26 structures and consensual structures for making decisions, and those structures  
27 have an existence beyond that which is necessary to commit the RICO predicate  
28 acts alleged herein, in that the hierarchical and consensual structures exist to

1 accomplish doing business, and the structures for decision-making exist separate  
2 and apart from the racketeering activities.

3       159. Each defendant unlawfully conspired with others, including other  
4 defendants, by understanding and agreeing to do, and having a meeting of the  
5 minds, and taking overt actions to support the matters hereinabove alleged, to  
6 violate the provisions of 18 U.S.C. 1962(b), (c), and (d), and, continued and  
7 continue to do so ,with the aid and assistance of co-conspirators

8 160.-272. Reserved.

## CLASS ACTION ALLEGATIONS

10       273. Plaintiff is a member of a class, whose defining characteristics are that  
11      they are persons who were subjected to Fourth and Fourteenth Amendment  
12      violations at the hands of LAPD officers.

13           274. The class contains over 1,000 people, and the class is so numerous so  
14           that joinder of all members is impracticable.

15        275. There are only common questions of fact and of law with respect to all  
16        class members of each class.  
17

18       276. The claims made by the representative party of the class, plaintiff, are  
19       typical of the claims of each class member.

20       277. The representative of the class, plaintiff, more than fairly, vigorously,  
21 and zealously will represent and adequately protect the interests of all class  
22 members, both themselves and through their very zealous attorney.

23        278. Prosecution of separate actions by individual class members would  
24 create a risk of inconsistent and/or varying adjudications with respect to class  
25 members, which would establish incompatible standards for parties opposing the  
26 classes, and defendants have acted and will continue to act on grounds generally  
27 applicable to every class member in both classes, and the class questions not only  
28 predominate but are the only questions that exist, and this action is the far superior

1 manner to other available methods for fairly and efficiently adjudicating the  
2 controversies.

3 279. Specifically, the class members' interests in individually controlling the  
4 prosecution or defense in separate actions do not exist, and there are no anticipated  
5 difficulties in managing this class action, especially as to identification of the  
6 amount of damages, identification of class members, and providing actual notice  
7 to virtually all class members.

8 280. Therefore, this action is maintainable under F.R. Civ. P. Rule 23(a), &  
9 23(b)(1)(A),(B)(1), (2), and (3).

10 281. Although there would appear to be no notice requirement as to (B)(1)  
11 & (2) classes, the nature of the notice to be provided to class members would be  
12 decided by the court.

13 **WHEREFORE**, plaintiff requests relief against each defendant as follows:

14 1. Compensatory damages \$1,000,000, and trebling under RICO;  
15 2. Punitive damages on all non-*Monell* claims, in sums to be determined by  
16 a jury, and as a percentage of the net worth of each defendant, in sums sufficient to  
17 deter future misconduct, and not less than \$100,000,000 per defendant;  
18 4. The costs of action and interest;  
19 5. Attorneys' fees; and,  
20 6. Such other relief as is just and proper.

22 **JURY DEMAND**

23 Plaintiff demands trial by jury of all issues.

24 **YAGMAN + REICHMANN, LLP**

25 By: /s/ Stephen Yagman  
26 **STEPHEN YAGMAN**